

DECLARATION FOR PATENT APPLICATION

Attorney Docket 24948-X2

As a below-named inventor(s), we hereby declare that:

Our residence(s), post office address(es) and citizenship(s) are as stated below next to my/our name(s).

We believe we are the original, first and joint inventors of the subject matter which is claimed, and for which a patent is sought on the invention entitled:

TOPICAL ANTIBACTERIAL FORMULATIONS

the specification of which: (check one)

☒ is attached hereto.

☐ was filed on _____, as Serial No. _____,

and was amended on _____ 19 _____ (if applicable).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application as defined by 37 CFR § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Applications:

| | | | Priority Claimed | |
|-------------------|-----------|------------------------|------------------|-----------|
| (Application No.) | (Country) | (Day/Month/Year Filed) | [] Yes | [] No |
| _____ | _____ | ____/____/____ | [] | [] |
| (Application No.) | (Country) | (Day/Month/Year Filed) | Yes | No |
| _____ | _____ | ____/____/____ | [] | [] |
| (Application No.) | (Country) | (Day/Month/Year Filed) | Yes | No |
| _____ | _____ | ____/____/____ | [] | [] |
| (Application No.) | (Country) | (Day/Month/Year Filed) | Yes | No |

We hereby appoint Gary M. Nath, Reg. No. 26,965; Harold L. Novick, Reg. No. 26,011; Todd L. Juneau, Reg. No. 40,669; Lee C. Heiman, Reg. No. 41,827; Jerald L. Meyer, Reg. No. 41,194; and Joshua B. Goldberg, Reg. No. 44,126, as our attorneys to prosecute this application and transact all business in the U.S. Patent and Trademark Office connected therewith.

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We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by 35 U.S.C. § 112, first paragraph, I/we acknowledge the duty to disclose material information as defined in 37 CFR § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|-------------------------------|--------------------|--|
| <u>10/617,191</u> | <u>07/11/03</u> | <u>Pending</u> |
| (U.S. Application Serial No.) | (U.S. Filing Date) | (Status--patented, pending, abandoned) |
| <u>60/407,285</u> | <u>09/03/02</u> | <u>Abandoned</u> |
| (U.S. Application Serial No.) | (U.S. Filing Date) | (Status--patented, pending, abandoned) |

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We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. ' 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Karl F. Popp

Inventor's Signature



Date

2/26/04Residence: 1775 Duck Pond Road, Schodack Landing, New York 12156Citizenship: USAPost Office Address: 1775 Duck Pond Road, Schodack Landing, New York 12156

Full name of second inventor: _____

Inventor's Signature _____

Date _____

Residence: _____

Citizenship: _____

Post Office Address: _____